

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JUAN JAVIER ORNELAS,
Plaintiff,

v.

ALEXANDER HAMILTON,
Defendant.

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Civil Action No. W-18-CA-056-RP

**DEFENDANT’S RESPONSE TO PLAINTIFF’S
MOTION FOR DEFAULT JUDGMENT**

On February 25, 2019, Plaintiff filed a motion for default judgment. Defendant, long separated from employment with the State of Texas and living out of state, was served with this lawsuit on January 11, 2019. Defendant did not timely file responsive pleadings solely due to confusion and miscommunication regarding representation by the Attorney General of Texas. The Attorney General has now received proper authorization to represent Defendant, and an answer has been filed. Defendant respectfully asserts that Plaintiff has in no way been prejudiced by the two weeks of delay in filing responsive pleadings for Defendant, and said delay was not intentional or dilatory. Defendant respectfully requests that the motion for default judgment be denied.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

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First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

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Deputy Attorney General for Civil Litigation

SHANNA E. MOLINARE
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/s/ Christopher Lee Lindsey
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ATTORNEYS FOR DEFENDANT

NOTICE OF ELECTRONIC FILING

I, **CHRISTOPHER LEE LINDSEY**, Assistant Attorney General of Texas, certify that I have electronically submitted for filing, a true and correct copy of the foregoing in accordance with the Electronic Case Files system of the Western District of Texas, on this the 5th day of March, 2019.

/s/ Christopher Lee Lindsey
CHRISTOPHER LEE LINDSEY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **CHRISTOPHER LEE LINDSEY**, Assistant Attorney General, do hereby certify that a true and correct copy of the foregoing has been served by U.S. Mail on this 5th day of March, 2019, to:

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Plaintiff *Pro Se*

/s/ Christopher Lee Lindsey
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Assistant Attorney General